

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Tyrone G. Wade,

Plaintiff,

v.

Head Nurse Cheryl Luerre, Nurse Collins, D. Franke, Nurse Brezzle, Head Nurse Ms. Olds, June Smith, Warden M. Stephan,

Defendants.

C/A No. 6:19-cv-03576-JFA-KFM

ORDER

Plaintiff, Tyrone G. Wade, a self-represented state prisoner, brings this civil rights action pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), the case was referred to the Magistrate Judge for initial review.

After reviewing the amended complaints and information provided by Plaintiff, the Magistrate Judge issued an order providing Plaintiff with 14 days to show good cause under Fed. R. Civ. P. 4(m) as to why Defendant Nurse Brezzle should not be dismissed for failure to provide information sufficient to effectuate service. (ECF No. 81). After Plaintiff failed to respond, the Magistrate Judge assigned to this action¹ prepared a thorough Report and Recommendation (“Report”). (ECF No. 115). Within the Report, the Magistrate Judge opines that Nurse Brezzle should be dismissed from this action. The Report sets forth, in detail, the relevant facts and standards of law on this matter, and this Court incorporates those facts and standards without a recitation.

¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.). The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976).

Plaintiff was advised of his right to object to the Report, which was entered on the docket on October 27, 2020. *Id.* The Magistrate Judge required Plaintiff to file objections by November 10, 2020. *Id.* Plaintiff failed to file objections or otherwise provide the necessary information. Thus, this matter is ripe for review.

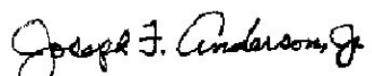
A district court is only required to conduct a *de novo* review of the specific portions of the Magistrate Judge's Report to which an objection is made. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b); *Carniewski v. W. Virginia Bd. of Prob. & Parole*, 974 F.2d 1330 (4th Cir. 1992). In the absence of specific objections to portions of the Magistrate's Report, this Court is not required to give an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

Here, Plaintiff has failed to raise any objections and therefore this Court is not required to give an explanation for adopting the recommendation. A review of the Report and prior orders indicates that the Magistrate Judge correctly concluded that the Plaintiff's claims against Nurse Brezzle should be dismissed pursuant to Fed. R. Civ. P. 4(m).

After carefully reviewing the applicable laws, the record in this case, and the Report, this Court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, this Court adopts the Magistrate Judge's Report and Recommendation and incorporates it herein by reference. (ECF No. 115). Consequently, Plaintiff's claims against Nurse Brezzle are dismissed without prejudice and Nurse Brezzle is dismissed as a party in this action.

IT IS SO ORDERED.

November 19, 2020
Columbia, South Carolina


Joseph F. Anderson, Jr.
United States District Judge